

ASSEMBLY BILL

No. 1731

Introduced by Committee on Elections and Redistricting

March 14, 2007

An act to amend Sections 4000, 9290, and 9295 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1731, as introduced, Committee on Elections and Redistricting. Local elections.

(1) Existing law provides that a maximum tax rate election and specified other elections may be conducted wholly by mail, if certain conditions are satisfied.

This bill would delete the authority to conduct a maximum tax rate election wholly by mail.

(2) Existing law requires that, whenever the elections official is required to mail official matter, only one copy of each piece of that official matter be mailed to a postal address where 2 or more registered voters have the same surname and the same postal address.

Existing law requires the elections official administering a municipal election, not less than 10 calendar days before specified official election materials are submitted for printing, including the official voter's pamphlet, to make a copy of those election materials available for public examination.

This bill would delete obsolete references in these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4000 of the Elections Code is amended to read:

4000. A local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:

(a) The governing body of the local agency authorizes the use of mailed ballots for the election.

(b) The election is held on an established mailed ballot election date pursuant to Section 1500.

(c) The election is one of the following:

(1) An election in which no more than 1,000 registered voters are eligible to participate.

~~(2) A maximum property tax rate election as provided for in Section 2287 of the Revenue and Taxation Code.~~

~~(3)~~

(2) An election on a measure or measures restricted to (A) the imposition of special taxes, or (B) expenditure limitation overrides, or (C) both (A) and (B), in a city, county, or special district with 5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.

~~(4)~~

(3) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code.

~~(5)~~

(4) An election of the Directors of the Monterey Peninsula Water Management District as authorized in Section 122 of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.

~~(6)~~

(5) An election of the Aliso Water Management Agency, or its affected member agencies, pursuant to Sections 13416 and 13417 of the Water Code.

~~(7)~~

(6) An election of the San Jacinto Mountain Area Water Study Agency pursuant to Sections 13416 and 13417 of the Water Code.

~~(8)~~

1 (7) An election of the San Lorenzo Valley Water District
2 pursuant to Sections 13416 and 13417 of the Water Code.

3 ~~(9)~~

4 (8) An election or assessment ballot proceeding required or
5 authorized by Article XIII C or XIII D of the California
6 Constitution. However, when an assessment ballot proceeding is
7 conducted by mail pursuant to this section, the following rules
8 apply:

9 (A) The proceeding shall be denominated an “assessment ballot
10 proceeding” rather than an election.

11 (B) Ballots shall be denominated “assessment ballots.”

12 SEC. 2. Section 9290 of the Elections Code is amended to read:

13 9290. Whenever the elections official is required to mail official
14 matter, as provided in Sections ~~9219, 9220~~, 9223, 9280, 9281,
15 9282, and 9285, only one copy of each piece of official matter
16 shall be mailed to a postal address where two or more registered
17 voters have the same surname and the same postal address.

18 This section shall only apply if the legislative body of the city
19 adopts this section and the election official conducting the election
20 approves of the procedure.

21 SEC. 3. Section 9295 of the Elections Code is amended to read:

22 9295. (a) The elections official shall make a copy of the
23 material referred to in Sections ~~9219, 9220~~, 9223, 9280, 9281,
24 9282, and 9285 available for public examination in the elections
25 official’s office for a period of 10 calendar days immediately
26 following the filing deadline for submission of those materials.
27 Any person may obtain a copy of the materials from the elections
28 official for use outside of the elections official’s office. The
29 elections official may charge a fee to any person obtaining a copy
30 of the material. The fee may not exceed the actual cost incurred
31 by the elections official in providing the copy.

32 (b) (1) During the 10-calendar-day public examination period
33 provided by this section, any voter of the jurisdiction in which the
34 election is being held, or the elections official, himself or herself,
35 may seek a writ of mandate or an injunction requiring any or all
36 of the materials to be amended or deleted. The writ of mandate or
37 injunction request shall be filed no later than the end of the
38 10-calendar-day public examination period.

39 (2) A peremptory writ of mandate or an injunction shall be
40 issued only upon clear and convincing proof that the material in

1 question is false, misleading, or inconsistent with the requirements
2 of this chapter, and that issuance of the writ or injunction will not
3 substantially interfere with the printing or distribution of official
4 election materials as provided by law.

5 (3) The elections official shall be named as respondent, and the
6 person or official who authored the material in question shall be
7 named as real parties in interest. In the case of the elections official
8 bringing the mandamus or injunctive action, the board of
9 supervisors of the county shall be named as the respondent and
10 the person or official who authored the material in question shall
11 be named as the real party in interest.

12
13
14 **CORRECTIONS:** _____

15 **Heading—Lines 1, 2, and 3.**
16 _____